

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LEXINGTON INSURANCE COMPANY and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,

Plaintiffs,

v.

VIRGINIA SURETY COMPANY, INC.

Defendant.

CIVIL ACTION NO. 04-11109 RGS

**SECOND AFFIDAVIT OF NICHOLAS C. CRAMB, ESQ. IN SUPPORT OF
DEFENDANT VIRGINIA SURETY COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

I, Nicholas C. Cramb, Esq. hereby depose and state as follows:

1. I have personal knowledge of the facts in this affidavit.
2. I am submitting this affidavit in support of Defendant Virginia Surety Company, Inc.'s ("Virginia Surety") Motion For Summary Judgment.
3. Attached hereto as Exhibit A is a true and accurate copy of the portions of the August 3, 2006 Deposition of Paul O'Donnell cited in Defendant Virginia Surety's Reply to Plaintiffs' Opposition to its Motion for Summary Judgment.

Signed under the pains and penalties of perjury.

Date: November 13, 2006

/s/ Nicholas C. Cramb
Nicholas C. Cramb, Esq.

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Respectfully submitted,

VIRGINIA SURETY COMPANY, INC.

By its attorneys,

/s/ Nicholas C. Cramb

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CERTIFICATE OF SERVICE

I, Nicholas C. Cramb, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 13, 2006.

/s/ Nicholas C. Cramb

Dated: November 13, 2006